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14 **UNITED STATES DISTRICT COURT**  
15 **NORTHERN DISTRICT OF CALIFORNIA**  
16 **SAN FRANCISCO DIVISION**

17  
18 IN RE CATHODE RAY TUBE (CRT)  
19 ANTITRUST LITIGATION

20 This Document Relates To:

21 *Sharp Electronics Corp., et al. v. Hitachi Ltd., et al.,*  
No. 13-cv-1173-SC;

22 *Sharp Elecs. Corp. et al. v. Koninklijke Philips*  
23 *Elecs. N.V. et al.,* No. 13-cv-2776-SC.

Case No. 07-cv-5944 (SC)  
MDL No. 1917

**DECLARATION OF CRAIG A.  
BENSON IN SUPPORT OF SHARP  
ELECTRONICS CORPORATION &  
SHARP ELECTRONICS  
MANUFACTURING COMPANY OF  
AMERICA, INC.'S OPPOSITION  
TO DEFENDANTS' MOTIONS IN  
LIMINE NOS. 9 AND 15**

**[EXHIBITS 4, 6, 7, 8, and 9 FILED  
UNDER SEAL PURSUANT TO  
LOCAL RULE 79-5]**

1 I, CRAIG A. BENSON, hereby declare as follows:

2 1. I am a Partner with the law firm of Paul, Weiss, Rifkind, Wharton &  
3 Garrison LLP, counsel for Plaintiffs Sharp Electronics Corporation and Sharp Electronics  
4 Manufacturing Company of America, Inc. (collectively, "Sharp"). I am a member of the bars of  
5 the State of Maryland, the State of New York, and the District of Columbia, and I am admitted to  
6 practice before this court *pro hac vice*.

7 2. I submit this Declaration in support of Sharp's Opposition to Defendants'  
8 Motions in Limine Nos. 9 and 15, dated February 27, 2015. I have personal knowledge of the  
9 facts stated herein and could competently testify to these facts if called upon to do so.

10 3. The phrase "information exchange" appears 163 times collectively in the  
11 deposition transcripts of Jerry A. Hausman, dated July 23, 2014 and November 3, 2014.

12 4. Sharp's 30(b)(6) representative Vincent Sampietro was deposed by the  
13 defendants on June 25, 2014. Sharp's 30(b)(6) representative Robert Scaglione was deposed by  
14 the defendants on June 26, 2014. Sharp's fact witness Toshihito Nakanishi was deposed by the  
15 defendants on July 29-30, 2014. Sharp's expert Dr. Jerry Hausman was deposed by the  
16 defendants on July 23, 2014 and November 3, 2014. Sharp's expert Dr. Michael Whinston was  
17 deposed by the defendants on September 17, 2014.

18 5. Between February 26, 2014, when Sharp served its First Supplemental  
19 Responses and Objections to Defendants Hitachi Electronic Devices (USA), and Samsung SDI  
20 America, Inc.'s First Set of Interrogatories, and the close of discovery in September 2014,  
21 defendants served 40 different sets of discovery on Sharp.

22 6. Attached as Exhibit 1 is a true and correct copy of relevant excerpts from  
23 Sharp's First Supplemental Responses and Objections to Defendants Hitachi Electronic Devices  
24 (USA), Inc., and Samsung SDI America, Inc.'s First Set of Interrogatories, dated February 26,  
25 2014. Sharp's Supplemental Response to Interrogatory No. 12 (the "Supplemental Response")  
26 specifically refers to Sharp's rule of reason theory.

1                   7.       Attached as Exhibit 2 is a true and correct copy of relevant excerpts from  
2 the Answer of Koninklijke Philips N.V. to Sharp Electronics Corporation's and Sharp  
3 Electronics Manufacturing Company of America, Inc.'s Complaint, dated March 26, 2014.

4                   8.       Attached as Exhibit 3 is a true and correct copy of relevant excerpts from  
5 the Answer of Philips Electronics North America Corporation to Sharp Electronics Corporation's  
6 and Sharp Electronics Manufacturing Company of America, Inc.'s Complaint, dated March 26,  
7 2014.

8                   9.       Attached as Exhibit 4 is a true and correct copy of the Expert Report of  
9 Jerry A. Hausman, dated April 15, 2014.

10                  10.       Attached as Exhibit 5 is a true and correct copy of relevant excerpts from  
11 the deposition transcript of Jerry A. Hausman, dated July 23, 2014.

12                  11.       Attached as Exhibit 6 is a true and correct copy of relevant excerpts from  
13 the Reply Expert Report of Prof. Dennis W. Carlton, dated August 5, 2014.

14                  12.       Attached as Exhibit 7 is a true and correct copy of relevant excerpts from  
15 the deposition transcript of Prof. Dennis W. Carlton, dated September 17, 2014.

16                  13.       Attached as Exhibit 8 is a true and correct copy of the Supplemental  
17 Expert Report of Jerry A. Hausman, dated July 3, 2014.

18                  14.       Attached as Exhibit 9 is a true and correct copy of the Rebuttal Expert  
19 Report of Jerry A. Hausman, dated September 26, 2014.

20                  15.       Attached as Exhibit 10 is a true and correct copy of excerpts of the draft  
21 Pretrial Order exchanged between the parties on February 6, 2015.

22                  16.       Attached as Exhibit 11 is a true and correct copy of relevant excerpts from  
23 Plaintiffs Sharp Electronics Corporation and Sharp Electronics Manufacturing Company of  
24 America, Inc.'s Objections and Responses to Defendants Thomson SA and Thomson Consumer  
25 Electronics, Inc.'s First Set of Interrogatories, dated July 10, 2014. In response to Request Nos.  
26 2, 4, and 6 Sharp specifically refers to Sharp's Supplemental Response.

27                  17.       Attached as Exhibit 12 is a true and correct copy of relevant excerpts from  
28 Plaintiffs Sharp Electronics Corporation and Sharp Electronics Manufacturing Company of

1 America, Inc.'s Objections and Responses to Defendants MT Picture Display Co., Ltd. And LG  
2 Electronics USA, Inc.'s Second Set of Interrogatories, dated July 28, 2014. In response to  
3 Request No. 17, Sharp specifically refers to Sharp's Responses to Thomson SA and Thomson  
4 Consumer's First Set of Interrogatories, No. 2 (dated July 10, 2014), which referred to Sharp's  
5 Supplemental Response.

6 18. Attached as Exhibit 13 is a true and correct copy of relevant excerpts from  
7 Sharp's Response to Hitachi America, Ltd.'s First Set of Interrogatories to Sharp Electronics  
8 Corporation and Sharp Electronics Manufacturing Company of America, Inc., dated August 4,  
9 2014. In response to Request No. 4, Sharp specifically refers to Sharp's Supplemental Response.

10 19. Attached as Exhibit 14 is a true and correct copy of relevant excerpts from  
11 Sharp's Response to Hitachi Displays, Ltd.'s (n/k/a Japan Display Inc.) First Set of  
12 Interrogatories to Sharp Electronics Corporation and Sharp Electronics Manufacturing Company  
13 of America, Inc., dated August 4, 2014. In response to Request No. 1, Sharp specifically refers  
14 to Sharp's Responses to Thomson SA and Thomson Consumer's First Set of Interrogatories, No.  
15 2 (dated July 10, 2014), which referred to Sharp's Supplemental Response.

16 20. Attached as Exhibit 15 is a true and correct copy of relevant excerpts from  
17 Sharp's Response to Hitachi Electronic Devices (USA), Inc.'s Second Set of Interrogatories to  
18 Sharp Electronics Corporation and Sharp Electronics Manufacturing Company of America, Inc.,  
19 dated August 4, 2014. In response to Interrogatory No. 15, Sharp specifically refers to Sharp's  
20 Responses to Thomson SA and Thomson Consumer's First Set of Interrogatories, No. 2 (dated  
21 July 10, 2014), which referred to Sharp's Supplemental Response.

22 21. Attached as Exhibit 16 is a true and correct copy of relevant excerpts from  
23 Sharp's Response to Hitachi, Ltd.'s First Set of Interrogatories to Sharp Electronics Corporation  
24 and Sharp Electronics Manufacturing Company of America, Inc., dated August 4, 2014. In  
25 response to Interrogatory No. 1, Sharp specifically refers to Sharp's Responses to Thomson SA  
26 and Thomson Consumer's First Set of Interrogatories, No. 2 (dated July 10, 2014), which  
27 referred to Sharp's Supplemental Response.

28

1                   22. Attached as Exhibit 17 is a true and correct copy of relevant excerpts from  
2 Sharp's Response to Defendant LG Electronics U.S.A., Inc.'s First Set of Interrogatories to  
3 Sharp Electronics Corporation and Sharp Electronics Manufacturing Company of America, Inc.,  
4 dated August 21, 2014. In response to Request No. 1, Sharp specifically refers to Sharp's  
5 Responses to Thomson SA and Thomson Consumer's First Set of Interrogatories, No. 2 (dated  
6 July 10, 2014), which referred to Sharp's Supplemental Response.

7                   23. Attached as Exhibit 18 is a true and correct copy of relevant excerpts from  
8 Sharp's Response to Panasonic Corporation of North America's First Set of Interrogatories to  
9 Sharp Electronics Corporation and Sharp Electronics Manufacturing Company of America, Inc.,  
10 dated August 21, 2014. In response to Request No. 1, Sharp specifically refers to Sharp's  
11 Responses to Thomson SA and Thomson Consumer's First Set of Interrogatories, No. 2 (dated  
12 July 10, 2014), which referred to Sharp's Supplemental Response.

13                   24. Attached as Exhibit 19 is a true and correct copy of relevant excerpts from  
14 Sharp's Response to Koninklijke Philips N.V.'s First Set of Interrogatories to Sharp Electronics  
15 Corporation and Sharp Electronics Manufacturing Company of America, Inc., dated August 25,  
16 2014. In response to Request Nos. 6-17, Sharp specifically refers to Sharp's Responses to  
17 Thomson SA and Thomson Consumer's First Set of Interrogatories, No. 2 (dated July 10, 2014),  
18 which referred to Sharp's Supplemental Response.

19                   25. Attached as Exhibit 20 is a true and correct copy of relevant excerpts from  
20 Sharp's Response to Toshiba America Information Systems, Inc.'s First Set of Interrogatories to  
21 Sharp Electronics Corporation and Sharp Electronics Manufacturing Company of America, Inc.,  
22 dated September 5, 2014. In response to Request Nos. 1-12, Sharp specifically refers to Sharp's  
23 Responses to Thomson SA and Thomson Consumer's First Set of Interrogatories, No. 2 (dated  
24 July 10, 2014), which referred to Sharp's Supplemental Response.

25                   26. Attached as Exhibit 21 is a true and correct copy of relevant excerpts from  
26 Plaintiff Sharp Electronics Corporation's Second Supplemental Responses and Objections to  
27 Defendant Samsung SDI America, Inc.'s First Set of Interrogatories, dated September 5, 2014.  
28 In response to Interrogatory No. 3, Sharp specifically refers to Sharp's Objections and Responses

1 to Defendants MT Picture Display Co., Ltd. and LG Electronics USA, Inc.'s Second Set of  
2 Interrogatories, Interrogatory No. 17 (dated July 28, 2014), which referred to Sharp's Responses  
3 to Thomson SA and Thomson Consumer's First Set of Interrogatories, No. 2 (dated July 10,  
4 2014), which referred to Sharp's Supplemental Response.

5           27. Attached as Exhibit 22 is a true and correct copy of relevant excerpts from  
6 Sharp's Response to Tianjin Samsung SDI Co., Ltd.'s First Set of Interrogatories to Plaintiffs  
7 Sharp Electronics Corporation and Sharp Electronics Manufacturing Company of America, Inc.,  
8 dated September 4, 2014. In response to Interrogatory No. 3, Sharp states that it "contends that  
9 information exchanges between Defendants and co-conspirators affected prices and thus  
10 constitute an antitrust violation under the rule of reason, even in the absence of an express  
11 agreement to fix prices."

12           28. Attached as Exhibit 23 is a true and correct copy of relevant excerpts from  
13 Sharp's Responses to Thomson SA's Second Set of Interrogatories to Plaintiffs Sharp  
14 Electronics Corporation and Sharp Electronics Manufacturing Company of America, Inc., dated  
15 September 5, 2014. In response to Interrogatory Nos. 6-9, Sharp states that it "contends that  
16 information exchanges between Defendants and co-conspirators affected prices and thus  
17 constitute an antitrust violation under the rule of reason, even in the absence of an express  
18 agreement to fix prices." Additionally, in response to Interrogatory Nos. 4-5, Sharp specifically  
19 refers to Sharp's Responses to Thomson SA and Thomson Consumer's First Set of  
20 Interrogatories, No. 2 (dated July 10, 2014), which referred to Sharp's Supplemental Response.

21           29. Attached as Exhibit 24 is a true and correct copy of relevant excerpts from  
22 Sharp's Response to Philips Electronics North America Corporation's First Set of Interrogatories  
23 to Sharp Electronics Corporation and Sharp Electronics Manufacturing Company of America,  
24 Inc., dated September 5, 2014. In response to Request Nos. 13-17 and 19-25, Sharp specifically  
25 refers to Sharp's Responses to Thomson SA and Thomson Consumer's First Set of  
26 Interrogatories, No. 2 (dated July 10, 2014), which referred to Sharp's Supplemental Response.

30. Attached as Exhibit 25 is a true and correct copy of relevant excerpts from the deposition transcript of Sharp witness Toshihito Nakanishi, dated July 30, 2014.

I declare under penalty of perjury, that the foregoing is true and correct. Executed  
this 27th day of February, 2015, at Washington, DC.

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*/s/ Craig A. Benson*

Craig A. Benson